N. E. 796. In the principal case, the court talks of commercial domicile, and of the situs of choses in action, but the true basis of the decision must be that the credits in question represent business capital employed in the state, taxable in much the same manner as any merchant's stock in trade.

TORTS — INTERFERENCE WITH BUSINESS OR OCCUPATION — JUSTIFICATION — INTERPRETATION OF ENGLISH TRADES DISPUTES ACT OF 1906. — A stevedores' association, by agreement with a dockworkers' union, undertook to maintain union conditions and rates of pay, while the dockworkers agreed to protect the stevedores in maintaining a scale of charges to customers, by refusing to work for any stevedore who undercut the accepted rates. The plaintiff, a stevedore, maintained union conditions for his workmen but refused to join the association, and charged less than the association's rates to shipowners. The defendants, three stevedores and three union officials, therefore induced his men to strike, in violation of their contracts. The TRADES DISPUTES ACT of 1906, 6 Edw. VII, c. 47, § 3, establishes a defense to this type of action if the acts complained of are done "in contemplation or furtherance of a trade dispute." Section 5 (3) then defines a trade dispute as "any dispute between employers and workmen, or between workmen and workmen," connected broadly with conditions or terms of employment. The jury found that this was a dispute between employers, and that the dockworkers were "brought in to assist" the stevedores' association. *Held*, that this was not a "trade dispute" under the act. *Long* v. *Larkin*, [1914] 2 Ir. K. B. 285 (C. A.).

If one man joins another in a dispute with a third party, it seems to follow that a dispute arises between him and the third party. But the gist of the decision in the principal case is that if workmen take sides in a quarrel between employers, they are not necessarily engaged in a dispute with employers. The vice of the court's interpretation of the act is that it seeks in the origin and motive of the dispute, not in the fact of its existence, the defense accorded by the statute. Only a year before, the English Court of Appeal reached substantially the opposite conclusion, and held that if a strike is called, the fact that it is inspired by ill will does not overthrow the statutory defense. *Dallimore* v. *Williams*, 30 T. L. R. 432. Even if one accepts the interpretation put on the statute in the principal case, it is hard to see how the facts warranted the conclusion that the dockworkers were merely meddling in the stevedores' dispute, since their own wage scale depended on their preserving the integrity of the joint agreement. One is led to suspect that judicial hostility to the policy of the statute had some part in the result. See *Conway* v. *Wade*, [1908] 2 K. B. 844, 855; [1909] A. C. 506, 510. The decision has more than local significance, as similar questions may arise under the so-called Clayton Act, passed by Congress, October 16, 1914, which restricts the use of injunctions in certain cases arising out of labor disputes. 63d CONGRESS, PUBLIC ACT, No. 212, § 20.

TRADE MARKS AND TRADE NAMES — PROTECTION APART FROM STATUTE — AUDIBLE SIMILARITY WITHOUT FRAUDULENT INTENT. — The plaintiff sold a brand of cigars called "B. & M." The defendants sold a cigar named "P. & M." and had recently extended their trade into the territory where the plaintiff operated. The plaintiff asks an injunction against the use of this name, claiming that his trade was being injured on account of the misleading similarity in the sound of the names. It did not appear that the defendants intended to injure or divert the plaintiff's business, or that there was any resemblance in the boxes or labels of the cigars. *Held*, that the injunction will not be granted. *B. Payn's Sons Tobacco Co.* v. *Payette*, 149 N. Y. Supp. 183 (Sup. Ct.).

Equity interferes to protect trade marks and trade names against infringe-